



Application No. 09/424,815
Paper Dated: June 25, 2003
In Reply to USPTO Correspondence of February 25, 2003
Attorney Docket No. 702-991768

128
ELECTION
JUN 30 2003
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/424,815
Applicant : Petrus H. Nibbering et al.
Filed : April 10, 2000
Title : ANTIMICROBIAL PEPTIDES DERIVED FROM
UBIQUICIDINE
Group Art Unit : 1653
Examiner : Sheridan K. Snedden

ELECTION

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated February 25, 2003, Applicants elect the claims of Group III (claims 41-43, 45, 47, 49 and 60) with partial traverse, and elect the species of SEQ ID NO. 3.

The claims of Group III are directed to a method for treating infection by using ubiquicidine or peptides derived therefrom, as specifically identified by their sequences. The claims of Group I are directed to the peptide fragments corresponding to (but fewer in number than) the peptides identified in Group III. The claims of Groups I and III should be examined

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Anna Rosenstein
(Typed Name of Person Mailing Paper)

Signature *Anna Rosenstein*

06/25/2003
Date

{W0066784.1}

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(and can easily be examined) together for the following reasons. An examination search of the single sequence of SEQ ID NO 1 would identify all prior art pertinent to either Group I or Group III, which suggests that the claims of Groups I and III could be examined together without hardship to the Examiner. Such a search would logically be designed to identify all biomedical effects of SEQ ID NO 1, so that any indications beyond the anti-infection indications of Group III would also be unearthed by the same examination search. Reconsideration of the restriction requirement to the point of examining the claims of Groups I and III together will be greatly appreciated by Applicants.

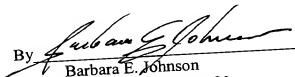
The election of the species of SEQ ID NO 3 is made with the understanding that upon allowability of a generic claim, Applicants will be entitled to examination of a reasonable additional number of species.

Examination and allowance of the claims of Groups I and III (namely, all of claims 28-34, 46, 47, 55, 41-43, 45, 47, 49 and 60) are respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON P.C.

By


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1653/16
Attorney's Docket No. 702-991768

ELECTION TRANSMITTAL LETTER

RECEIVED
JUN 30 2003
TECH CENTER 1600/2300Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450Serial No.: 09/424,815 Filing Date: April 10, 2000
Examiner: Sheridan K. Snedden Group Art Unit: 1653
Invention: "Antimicrobial Peptides Derived from Ubiquitidine"

Transmitted herewith is an amendment in the above-identified application.

- ☐ Small entity status of this application has been averred.
☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
☐ No additional fee is required.
☒ The fee has been calculated as shown below:

No. of Claims	Highest No.			Small	Non-Small	
After	Previously	Present		Entity	Entity	
<u>Amendment</u>	<u>Paid For</u>	<u>Extra</u>		<u>Rate</u>	<u>Rate</u>	<u>Charge</u>
Total 33	33	0	X	\$ 9.00	X \$ 18.00	\$ 0
Indep. 13	13	0	X	\$ 42.00	X \$ 84.00	\$ 0
First Presentation						
of Multiple Dep. Claim				+ \$140.00	+ \$280.00	\$ 0
Extension of Time (3 month)				\$465.00	\$930.00	\$ 930.00
				Total Additional Fee		\$ 930.00

- ☒ A check in the amount of \$ 930.00 is enclosed to cover the filing fee.
☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.
☒ Any additional filing fees required under 37 CFR 1.16.
☒ Any patent application processing fees under 37 CFR 1.17.

June 25, 2003
Date

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